

fails to start its program by November 15, 1997, the interim approval granted under the provisions of the NHSDA, which EPA believes allows the State to take full credit in its 15 percent plan for all of the emission reduction credits in its proposal, will convert to a disapproval after a finding letter is sent to the State by EPA. If the State fails to submit to EPA the final modeling demonstrating that its program will meet the relevant enhanced I/M performance standard by February 1, 1998, the conditional approval will automatically convert to a disapproval as explained under Section 110(k) of the Clean Air Act.

(2) In addition to the above condition, the State must correct eight minor, or de minimus, deficiencies related to the CAA requirements for enhanced I/M. The minor deficiencies are listed in EPA's conditional interim final rulemaking on New Jersey's motor vehicle inspection and maintenance program published on May 14, 1997. Although satisfaction of these deficiencies does not affect the conditional interim approval status of the State's rulemaking, these deficiencies must be corrected in the final I/M SIP revision to be submitted at the end of the 18-month interim period.

(3) EPA is also approving this SIP revision under Section 110(k), for its strengthening effect on the plan.

(b) *15 Percent and 9 Percent Ozone Plans.* New Jersey's December 31, 1996 and February 25, 1997 submittals for the 15 Percent Rate of Progress Plan (15 Percent Plan) and 9 Percent Reasonable Further Progress Plan (9 Percent Plan) for the Northern New Jersey (New York, Northern New Jersey, Long Island Area) nonattainment area and the Trenton (Philadelphia, Wilmington, Trenton Area) nonattainment area, is conditionally approved for an interim period as referenced in paragraph (a) of this section. The conditions for approvability are as follows:

(1) New Jersey must remodel by July 30, 1998 to determine affirmatively the creditable reductions from the enhanced inspection and maintenance (I/M) program as used in the 15 Percent and 9 Percent Plans. This remodeling must be in accordance with EPA guidance documents: "Date by which

States Need to Achieve all the Reductions Needed for the 15 Percent Plan from I/M and Guidance for Recalculation," note from John Seitz and Margo Oge, dated August 13, 1996, and "Modeling 15 Percent VOC Reductions from I/M in 1999—Supplemental Guidance", memorandum from Gay MacGregor and Sally Shaver, dated December 23, 1996. Should the State fail to fulfill the remodeling condition by July 30, 1998, this conditional interim approval will convert to a disapproval pursuant to section 110(k)(4) of the Clean Air Act.

(2) New Jersey must demonstrate by December 14, 1998 that 15 percent and 9 percent emission reductions are still achievable in the Northern New Jersey and Trenton nonattainment areas as required by sections 182(b)(1) and 182(c)(2)(B) of the Clean Air Act and in accordance with EPA's policies and guidance.

[62 FR 26405, May 14, 1997, as amended at 62 FR 35102, June 30, 1997]

#### § 52.1581 [Reserved]

#### § 52.1582 Control strategy and regulations: Ozone (volatile organic substances) and carbon monoxide.

(a) Subchapter 16 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution by Volatile Organic Substances," N.J.A.C. 7:27-16.1 et seq. as revised on December 31, 1981 and effective March 1, 1982, is approved with the following provisions and conditions:

(1) Subsections 16.6(c)(4) and 16.6(c)(5) are approved. The State must comply with the public participation procedures it submitted to EPA on December 19, 1980 and must supply to EPA a copy of each notice of a proposed bubble that it supplies the public. In addition, the State must promptly transmit to EPA notice setting forth each set of emission limits approved by the state pursuant to subsections 16.6(c)(4) and 16.6(c)(5) as well as the emission limitations previously applicable. Finally, the State must transmit any relevant additional material EPA may request, and it must notify the public of an approved set of emission limits at the time it transmits notice of those limits to EPA.

(2) Emission limitations required by subsections 16.5(a), 16.6(a) and 16.6(b) are applicable requirements of the New Jersey SIP for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by citizens in the same manner as other requirements of the SIP; except that emission limitations adopted by the State under and which comply with subsections 16.6(c) (4) and (5) shall be the applicable requirements of the New Jersey SIP in lieu of those contained in subsections 16.5(a), 16.6(a) and 16.6(b) and shall be enforceable by EPA and by citizens, if the State meets the requirements set out in paragraph (d)(1) of this section.

(3) Although EPA approves the variance provisions in subchapter 7:27-16.9 and 7:27-16.10, in order to be considered as part of the SIP, each variance issued under these provisions must be submitted to and approved by EPA as a SIP revision.

(4) The December 17, 1979 version of Subchapter 16 is approved as a part of the SIP only to the extent that it addresses compliance dates for Group I Control Techniques Guideline source categories.

(b) Subchapter 17 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution by Toxic Substances," N.J.A.C. 7:27-17.1 et seq. as revised on October 17, 1979 and effective December 17, 1979, is approved for the regulation of perchloroethylene dry cleaners, as further clarified in a New Jersey Department of Environmental Protection memorandum "Subchapter 17 Requirements for Perchloroethylene Dry Cleaning Systems" dated October 25, 1982.

(c) The November 15, 1993 SIP revision submitted by the New Jersey Department of Environmental Protection and Energy demonstrates the fulfillment of section 182(b)(2)(B) of the Clean Air Act for states to adopt RACT regulations for all sources for which EPA has issued a CTG before enactment of the 1990 Clean Air Act.

(d)(1) The base year ozone precursor emission inventory requirement of section 182(a)(1) of the 1990 Clean Air Act Amendments has been satisfied for the Atlantic City, New York/ Northern New Jersey/Long Island, Philadelphia/ Wilmington/ Trenton, and Allentown/

Bethlehem/Easton areas of New Jersey. The inventory was submitted on November 15, 1993 and amended on November 21, 1994 by the New Jersey Department of Environmental Protection as a revision to the ozone State Implementation Plan (SIP). Revisions to the 1990 base year emission inventory dated December 31, 1996 for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas of New Jersey have been approved.

(2) The base year carbon monoxide emission inventory requirement of section 187(a)(1) of the 1990 Clean Air Act Amendments has been satisfied for the entire State. The inventory was submitted on November 15, 1992 and amended on September 28, 1995 by the New Jersey Department of Environmental Protection as a revision to the carbon monoxide State Implementation Plan.

(3) The 1996 and 1999 ozone projection year emission inventories included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

(4) The conformity emission budgets for the three metropolitan planning organizations and McGuire Air Force Base included in New Jersey's December 31, 1996 State Implementation Plan revision have been approved.

(5) The photochemical assessment monitoring stations network included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas has been approved.

(6) The demonstration that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions and, therefore, offsetting measures are not necessary which was included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas has been approved.

(7) The enforceable commitments to participate in the consultative process

to address regional transport; adopt additional control measures as necessary to attain the ozone standard, meet rate of progress requirements, and eliminate significant contribution to non-attainment downwind; identify any reductions that are needed from upwind areas for the area to meet the ozone standard; and implement the Ozone Transport Commission NO<sub>x</sub> Memorandum of Understanding included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

[46 FR 20556, Apr. 6, 1981, and 48 FR 51480, Nov. 9, 1983, as amended at 59 FR 49211, Sept. 21, 1994; 60 FR 51354, Oct. 2, 1995; 60 FR 62746, Dec. 7, 1995; 61 FR 53628, Oct. 15, 1996; 61 FR 66607, Dec. 18, 1996; 62 FR 35103, June 30, 1997]

**§ 52.1583 Requirements for state implementation plan revisions relating to new motor vehicles.**

New Jersey must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

**§§ 52.1584–52.1600 [Reserved]**

**§ 52.1601 Control strategy and regulations: Sulfur oxides.**

(a) The applicable limitation on the sulfur content of fuel marketed and used in New Jersey until and including March 15, 1974, as set forth in N.J.A.C. subchapter 7:1–3.1 is approved, except that the use of coal in the following utility plants and boiler units is not approved:<sup>1</sup>

Company	Plant	City	Boiler unit(s)
Atlantic City Electric .....	Deepwaters .....	Deepwaters .....	5/7, 7/9, 3/5, 4/6.
Public Service Electric & Gas .....	Essex .....	Newark .....	All.
Do .....	Sewaren .....	Woodbridge .....	Do.
Do .....	Bergen .....	Bergen .....	No. 1.
Do .....	Burlington .....	Burlington .....	1–4.
Do .....	Kearney .....	Kearney .....	All.
Do .....	Hudson .....	Jersey City .....	No. 1.
Jersey Central Power & Light .....	Sayreville .....	Sayreville .....	All.
Do .....	E. H. Werner .....	South Amboy .....	Do.

(b) Before any steam or electric power generating facility in Zone 3, as defined in N.J.A.C. 7:27–10.1, burning fuel oil on June 4, 1979, having a rated hourly gross heat input greater than 200,000,000 British Thermal Units (BTU's), and capable of burning coal without major reconstruction or construction, which facility was in operation prior to May 6, 1968, or group of such facilities having a combined rated hourly capacity greater than 450,000,000 BTU's may be permitted by the State to convert to the use of coal, the State shall submit to EPA a copy of the proposed permit together with an air quality analysis employing methodology acceptable to EPA. If EPA determines, on the basis of the submitted analysis, that the proposed coal conversion will

not interfere with the attainment or maintenance of air quality standards and will not be the cause for any Prevention of Significant Deterioration (PSD) increment to be exceeded, then the permit authorizing conversion may become effective immediately upon the publication of such a determination (as a Notice) in the FEDERAL REGISTER. If EPA determines that the submitted analysis is inadequate or that it shows that the proposed conversion will interfere with attainment or maintenance of air quality standards or cause any PSD increment to be exceeded, then EPA shall so inform the State of its determination, and the permit authorizing conversion shall not become effective and conversion shall not

<sup>1</sup> Action by the Administrator regarding coal conversion at the listed plants and units is being held in abeyance until the Administrator determines whether and to what ex-

tent that conversion cannot be deferred, based on analysis of fuel allocations for residual oil and coal in the Mid-Atlantic and New England States.